

Exhibit C

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SIMO HOLDINGS, INC.,)
)
Plaintiff,)
)
vs.) No. 18-cv-5427-(JSR)
)
HONG KONG UCLOUDLINK NETWORK)
TECHNOLOGY LIMITED and UCLOUDLINK)
(AMERICA), LTD.,)
)
Defendants.)

Deposition Upon Oral Examination Of

MARTIN FEUERSTEIN

Volume II

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9 o'clock a.m.

February 26, 2019

7401 164th Avenue NE

Redmond, Washington

REPORTED BY: Yvonne A. Southworth, CCR No. 2129.

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1 Q All right. Do you know whether that term
2 was argued as part of the claims construction in this
3 case?

4 A I do not.

5 Q Do you know if the Court construed the term,
6 relaying, in Claim 8?

7 A I do not see that in the claim construction
8 exhibit.

9 Q Were you the one who suggested that perhaps
10 this limitation wasn't met, or was this suggested to
11 you by someone else?

12 A I have a strong opinion about the "relay",
13 and it has long-standing use in telecomm. I guess the
14 simplest example would be from normal life, a relay
15 race. You have a baton, and it gets handed from one
16 person to the next, intact, as-is, without being taken
17 apart or modified or repackaged into something else.

18 That has a similar meaning in telecomm. If
19 something is relayed, if it's a particular message,
20 it's received in a particular format and then relayed,
21 re-sent in that same format to some other entity,
22 which is consistent with the -- the definition that I
23 gave in my report, to receive and pass on information
24 or a message.

25 Q Okay. I have two follow-up questions on

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1 that. When you talked about a relay race, the first
2 runner in a relay already has the baton, do they not?

3 **A Yes. They start with the baton.**

4 **Q** Right. And so they can't get the baton from
5 somewhere else. They start with the baton and hand it
6 to --

7 **A** Right. We're always talking about, and the
8 patent talks about, and the claim talks about a --
9 some type of a request coming in and going out. And
10 that -- that coming in and going out of the message is
11 the relaying. So the most appropriate analogy to
12 what's described in the claims and in the -- in the
13 patent is, if you will, the stage of the relay race
14 where one person is handing the baton off to another.

15 Because they're sort of two legs. There's
16 one person handing off to the other. And in the
17 patent itself and in the claims, there's a request
18 coming in and a request going out that is relayed. So
19 there are two legs to that.

20 **Q** All right. You say that, but that's not how
21 the claim is worded, is it, Dr. Feuerstein? Isn't
22 the -- isn't the activity before or the step before
23 relaying that you establish a local authentication
24 information request? That happens before you relay
25 it. Isn't that true?

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1 commentary in the middle of it, and then I show that
2 to the jury, I'm relaying parts of your discussion
3 here, aren't I?

4 **A No. I don't agree with that.**

5 Q You don't think that's a relaying. That's
6 basically where we're coming from?

7 **A Yes.**

8 Q All right. Can you point to anything in the
9 patent that supports your definition that that's what
10 relay means, without repackaging or anything like
11 that? Any line, any figure, anything at all? And the
12 reason why I ask is because it's not -- it's not in
13 your report anywhere. There's nothing cited in your
14 report.

15 **A So when I look at Figure 8, in the patent --**

16 Q Okay.

17 **A It clearly shows the service provider, 110,
18 sending a request for authentication information to
19 the client, 106.**

20 Q I'm sorry. Are you on Figure 3A?

21 **A Figure 8.**

22 Q I'm sorry. I just misheard you. I should
23 have been paying closer attention. Okay. We're at
24 Figure 8.

25 **A Figure 8. So there's a request for**

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1 authentication information that goes to the client,
2 106. That's line 804. And there is, at line 806, a
3 request for authentication information that's relayed
4 to the administration system.

5 Q I'm sorry to stop you there. But Figure 8
6 doesn't say anything about relaying, does it? The
7 word, relay, doesn't appear there?

8 A From a person of ordinary skill in the art,
9 this is the -- this diagram in Figure 8 is what we
10 would typically call a call flow or message flow. If
11 it was a voice call, it would be a call flow. If it
12 was some kind of a data, it would be a message flow.
13 These are clearly messages. And the requests for
14 authentication information and requests for --
15 requests for authentication information that goes to
16 the client, and the same request for authentication
17 information is relayed from the client to the
18 administration system, or admin system as it's labeled
19 here, 116, which is -- just a moment, I'm not done --
20 which is consistent with the claim language of
21 relaying the local authentication information request
22 to the remote administration system via the data
23 communications link. I think that's exactly what's
24 shown here. And the fact that this is authentication
25 information, authentication information indicates that